

110TH CONGRESS  
1ST SESSION

# H. R. 855

To amend title 18, United States Code, to improve the criminal law relating to terrorism, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2007

Mr. DANIEL E. LUNGREN of California (for himself, Mr. COBLE, Mr. CHABOT, Mr. GALLEGLY, Mrs. DRAKE, Mr. MILLER of Florida, Mr. HERGER, Mr. GINGREY, Mr. FOSSELLA, Mr. McKEON, Ms. GINNY BROWN-WAITE of Florida, Mr. MCCARTHY of California, Mr. SESSIONS, Mr. POE, Mr. McCOTTER, Mrs. MYRICK, Mr. PENCE, Mr. SMITH of Texas, and Mr. FRANKS of Arizona) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to improve the criminal law relating to terrorism, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Criminal Terrorism  
5       Improvements Act of 2007”.

1 **SEC. 2. TERRORIST OFFENSE RESULTING IN DEATH.**

2 (a) NEW OFFENSE.—Chapter 113B of title 18,  
3 United States Code, is amended by adding at the end the  
4 following:

5 **“§ 2339E. Terrorist offenses resulting in death**

6 “(a) Whoever, in the course of committing a terrorist  
7 offense, engages in conduct that results in the death of  
8 a person, shall be punished by death or imprisoned for  
9 any term of years or for life.

10 “(b) As used in this section, the term ‘terrorist of-  
11 fense’ means—

12 “(1) a felony offense that is—

13 “(A) a Federal crime of terrorism as de-  
14 fined in section 2332b(g), other than an offense  
15 under section 1363; or

16 “(B) an offense under this chapter, section  
17 175, 175b, 229, or 831, or section 236 of the  
18 Atomic Energy Act of 1954; or

19 “(2) a Federal offense that is an attempt or  
20 conspiracy to commit an offense described in para-  
21 graph (1).”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of chapter 113B of title 18, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing new item:

“2339E. Terrorist offenses resulting in death.”.

1 **SEC. 3. DEATH PENALTY FOR CERTAIN TERROR RELATED**  
2 **CRIMES.**

3 (a) PARTICIPATION IN NUCLEAR AND WEAPONS OF  
4 MASS DESTRUCTION THREATS TO THE UNITED  
5 STATES.—Section 832(c) of title 18, United States Code,  
6 is amended by inserting “punished by death if death re-  
7 sults to any person from the offense, or” after “shall be”.

8 (b) MISSILE SYSTEMS TO DESTROY AIRCRAFT.—  
9 Section 2332g(c)(3) of title 18, United States Code, is  
10 amended by inserting “punished by death or” after “shall  
11 be”.

12 (c) ATOMIC WEAPONS.—The last sentence of section  
13 222 b. of the Atomic Energy Act of 1954 (42 U.S.C.  
14 2272) is amended by inserting “death or” before “impris-  
15 onment for life” the last place it appears.

16 (d) RADIOLOGICAL DISPERSAL DEVICES.—Section  
17 2332h(c)(3) of title 18, United States Code, is amended  
18 by inserting “death or” before “imprisonment for life”.

19 (e) VARIOLA VIRUS.—Section 175c(c)(3) of title 18,  
20 United States Code, is amended by inserting “death or”  
21 before “imprisonment for life”.

22 **SEC. 4. INCREASE IN CERTAIN PENALTIES.**

23 (a) SECTION 2332(b)(1).—Section 2332(b)(1) of title  
24 18, United States Code, is amended by striking “20  
25 years” and inserting “30 years”.

1 (b) SECTION 2332(c).—Section 2332(c) of title 18,  
 2 United States Code, is amended by striking “ten years”  
 3 and inserting “20 years”.

4 (c) SECTION 2339C(d).—Section 2339C(d) of title  
 5 18, United States Code, is amended—

6 (1) in paragraph (1), by striking “20 years”  
 7 and inserting “30 years”; and

8 (2) in paragraph (2), by striking “10 years”  
 9 and inserting “20 years”.

10 **SEC. 5. MODERNIZATION OF STATE OF MIND REQUIRE-**  
 11 **MENT FOR SECTION 2339C OFFENSES.**

12 Section 2339C of title 18, United States Code, is  
 13 amended by striking “unlawfully and wilfully” and insert-  
 14 ing “knowingly”.

15 **SEC. 6. PROVIDING MATERIAL SUPPORT TO TERRORIST**  
 16 **GROUPS.**

17 (a) PROVIDING MATERIAL SUPPORT TO TERROR-  
 18 ISTS.—Section 2339A(a) of title 18, United States Code,  
 19 is amended by striking “, imprisoned not more than 15  
 20 years,” and all that follows through “life.” and inserting  
 21 “and imprisoned for not less than 10 years or for life,  
 22 and, if the death of any person results, shall be imprisoned  
 23 for not less than 30 years or for life.”.

24 (b) RECEIVING MILITARY-TYPE TRAINING FROM A  
 25 FOREIGN TERRORIST ORGANIZATION.—Section 2339D of

1 title 18, United States Code, is amended by striking “or  
 2 imprisoned for ten years, or both.” and inserting “and im-  
 3 prisoned for not less than 3 years and not more than 15  
 4 years.”.

5 **SEC. 7. DENIAL OF FEDERAL BENEFITS TO CONVICTED**  
 6 **TERRORISTS.**

7 (a) IN GENERAL.—Chapter 113B of title 18, United  
 8 States Code, is amended by adding at the end the fol-  
 9 lowing:

10 **“§ 2339F. Denial of Federal benefits to terrorists**

11 “(a) IN GENERAL.—Any individual who is convicted  
 12 of a Federal crime of terrorism (as defined in section  
 13 2332b(g)) shall, as provided by the court on motion of  
 14 the Government, be ineligible for any or all Federal bene-  
 15 fits for any term of years or for life.

16 “(b) FEDERAL BENEFIT DEFINED.—As used in this  
 17 section, ‘Federal benefit’ has the meaning given that term  
 18 in section 421(d) of the Controlled Substances Act (21  
 19 U.S.C. 862(d)).”.

20 (b) TABLE OF SECTIONS AMENDMENT.—The table of  
 21 sections of chapter 113B of title 18, United States Code,  
 22 is amended by inserting at the end the following:

“2339F. Denial of Federal benefits to terrorists.”.

1 **SEC. 8. WIRETAP PREDICATE.**

2       Section 2516(q) of title 18, United States Code, is  
3 amended by striking “section 2332” and all that follows  
4 through “2339C” and inserting “chapter 113B”.

5 **SEC. 9. ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN**  
6 **OFFENSE RELATING TO MILITARY TRAINING.**

7       Section 2339D of title 18, United States Code, is  
8 amended by inserting “, or attempts or conspires to re-  
9 ceive,” after “receives”.

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